IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 194 of 2005

Subhash Kumar Nagpal
S/o Sri K.L. Nagpal
R/o 23/3 Tej Bahadur Road
Police Station - Dalanwala
District- Dehradun
Presently R/o D-106, Sector No.4
Defence Colony
Police Station - Clement town, Dehradun
District- Dehradun ….Applicant

Versus

1. State of Uttaranchal

2. Lotus Financial Services
through its Sole Proprietor Dr. Raman Kumar
S/o Harbans Lal Gumbar
R/o 36/2 Vijay Colony,
Police Station - Dalanwala
District - Dehradun ….Opp. Parties

Sri Vivek Shukla, Sri B.M. Pingal and Sri B. Joshi, learned counsel for the applicants
Sri G.S. Sandhu, learned counsel for the State.

Hon'ble B.C. Kandpal, J.

This petition u/s 482 Cr. P.C. has been filed by the applicant Subhash Kumar Nagpal for consolidating the criminal complaint case no. 177 of 2003 Lotus Finance Services Vs. Subhash Kumar Nagpal, complaint case no. 70 of 2003 Lotus Finance Services Vs. Subhash Kumar Nagpal and complaint case no. 178 of 2003 Lotus Finance Services Vs. Subhash Kumar Nagpal u/s 138 of Negotiable Insutruments Act as well as allowing the petitioner to pay the entire amount alongwith the reasonable interest to the opposite party 2 so that the entire controversy could be finally set at rest.

Heard learned counsel for the petitioner as well as learned A.G.A. and perused the record.

After having perused the entire record of the case, I do not find any serious miscarriage of justice and abuse of process of the court at this stage. It appears that the petitioner has not approached the court below where the matters are pending as yet and instead of moving an application before the court concerned, he has approached to this court straightway.

I do not find it a fit case in which the inherent power u/s482 Cr.P.C. could be exercised at this stage.

The petition is accordingly dismissed.

However, the petitioner is at liberty to move an application before the court below in this regard and the court below shall decided the application filed by the petitioner in accordance with the law.

(B.C. Kandpal, J.)

8th April, 2005
Shiv